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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,614	04/12/2004	Shigeki Taniguchi	3169.70231	5008
7590 Patrick G. Burns, Esq. GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Dr. Chicago, IL 60606				
			EXAMINER MADAMBA, GLENFORD J	
			ART UNIT 2451	PAPER NUMBER
			MAIL DATE 08/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,614

Applicant(s)

TANIGUCHI ET AL.

Examiner

Glenford Madamba

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-19, 25-27 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19, 25-27 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to remarks and claim amendments filed by Applicant's representative on May 14, 2009.

Response to Amendments and Remarks

1. Applicant's latest filed claim amendments and associated remarks filed on May 14, 2009 have been fully considered, but are now deemed moot in light of the new grounds of rejection provided with this action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-19, 25-27 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al (hereinafter Kirani), U.S. Patent Publication US 2002/0032027 A1 in view of Davis et al, U.S. Patent Publication US 2002/0001395 A1

and in further view of Estrada et al (hereinafter Estrada), U.S. Patent Publication US 2002/0001395 A1.

As per Claims 17, 25 and 32, Kirani in view of Davis and in further view of Estrada discloses a terminal apparatus (Cell Phone 911 / Media Capture Device 913) [Fig. 11c] comprising:

- a communication unit (Cell phone/modem) [Table 1] that communicates with a server apparatus (Web Server) [Figs. 9 & 11c] (Photoserver) [0098];

- a processing unit that executes a program received from the server apparatus via the communication unit (Image Processor 102) [0081] [Fig. 1a]; and

- an internal memory unit (Davis: e.g., Memory 20) [Fig. 1] memorizing various types of character data (Davis e.g., Data Types) [0027];

- a display unit displaying a content of an output region as it is (Davis: e.g. Display 24) [Fig. 1];

- a data management unit converting the character data to new format in which the original character data is not included and where recovery of the original character data is difficult by executing an internal program managing the character data and outputting the converted character data to the output region in accordance with a request from the program executed by the processing unit (CPU 106) [Fig. 1a], wherein

- the request including information specifying the character data and information designating an output of the specified character data to the output region [0034] [0159].

While Kirani discloses substantial features of the invention, as above, the additional features of the terminal apparatus further comprising an internal memory unit memorizing various types of 'internal data', a display unit displaying a content of an output region as it is, and a data management unit converting the 'internal data' to a predetermined format and outputting the converted internal data to the output region in accordance with a request from the program executed by the processing unit, wherein the request including information specifying the internal data and information designating an output of the specified internal data to the output region; and wherein the 'internal data' comprises "character data", is disclosed by Davis in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the terminal apparatus further comprising an internal memory unit (e.g., Memory 20) [Fig. 1] memorizing various types of internal data (e.g., Data Types) [0027], a display unit displaying a content of an output region as it is (e.g., Display 24) [Fig. 1], and a data management unit converting the internal data to a predetermined format and outputting the converted internal data to the output region in accordance with a request from the program executed by the processing unit, wherein the request including information specifying the internal data and information designating an output of the specified internal data to the output region (the formatter

transforms the image signal into a form suitable for further processing and stores it in the memory subsystem) [Davis: 0034] [0159] and wherein the 'internal data' comprises "character data" (Davis: 'Text' metadata type) [0154-0156].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Further, with regards to the claim, while the combination of Kirani and Davis discloses substantial features of the invention, as above, the additional recited feature of the terminal apparatus comprising the said data management unit for converting internal data, such as 'character data' to a new format "in which the original character data is not included and where recovery of the original character data is difficult". The feature is, however, disclosed by at least Estrada in a related endeavor.

Estrada discloses as his invention a system and method for dynamically publishing a document in collaboration space responsive to room aesthetics and input text [Abstract]. In particular, Estrada discloses the additionally recited feature of the terminal apparatus comprising the said data management unit for converting internal data, such as 'character data' to a new format "in which the original character data is not included and where recovery of the original character data is difficult" (Estrada: "graphic service extension 'transforms' text, font, and effects into an image...") [col 20, L10-20].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kirani and Davis invention with the above added feature, as disclosed by Estrada, for the motivation of providing a system and method for dynamically generating viewable graphics [Estrada: col 6, L20-32]

Claims 25 and 32 recite the same limitations as claim 17, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 18, 26 and 33, Kirani in view of Davis and in further view of Estrada discloses the terminal apparatus of claim 17, wherein the converted character data includes data where the characters have been converted to an image.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 17, the additionally recited feature of the apparatus "wherein the internal data includes character data" is disclosed by Davis in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the apparatus wherein the internal data includes character data (Davis: 'Text' metadata type) [0154-01565].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Further, with regards to the claim, while the combination of Kirani and Davis discloses substantial features of the invention, as above, the additional recited feature of the apparatus wherein "the converted character data includes data where the characters have been converted to an image" is disclosed by Estrada in a related endeavor.

Estrada discloses as his invention a system and method for dynamically publishing a document in collaboration space responsive to room aesthetics and input text [Abstract]. In particular, Estrada discloses additional recited feature of the apparatus wherein "the converted character data includes data where the characters have been converted to an image" (Estrada: "graphic service extension transforms text, font, and effects into an image...") [col 20, L10-20]. It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kirani and Davis invention with the above added feature, as disclosed by Estrada, for the motivation of providing a system and method for dynamically generating viewable graphics [Estrada: col 6, L20-32]

Claims 26 and 33 recite the same limitations as claim 18, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claims 19, 27 and 34, Kirani in view of Davis (and in further view of Estrada) discloses the terminal apparatus of claim 17, wherein the information specifying the character data includes information identifying the type of data and information identifying a position in plural headings or a rank in plural headings configuring one type of identified information.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 17, he does not explicitly disclose the apparatus wherein the information specifying the character data includes information identifying the type of data and information identifying a position in plural headings or a rank in plural headings configuring one type of identified information. The feature is disclosed by Davis in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the apparatus wherein the information specifying the internal data includes information identifying the type of data and information

identifying a position in plural headings or a rank in plural headings configuring one type of identified information (i.e., Data Types) [0027] [0106-0135].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Claims 27 and 34 recite the same limitations as claim 19, are distinguished only by statutory category, and thus rejected on the same basis.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.06(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2451

/Hassan Phillips/
Primary Examiner, Art Unit 2451